

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DANIEL KLEEBERG, LISA STEIN,  
and AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER; ALEXBAY, LLC f/k/a  
LESTER EBER, LLC; ESTATE OF ELLIOTT W.  
GUMAER, JR.; and WENDY EBER

Defendants,

and

EBER BROS. & CO., INC.;  
EBER BROS. WINE AND LIQUOR  
CORPORATION; EBER BROS. WINE  
& LIQUOR METRO, INC.; EBER-  
CONNECTICUT, LLC; EBER-RHODE  
ISLAND, LLC; EBER BROS.  
ACQUISITION CORP.; EBER-METRO,  
LLC; SLOCUM & SONS OF MAINE, INC.,

Defendants.

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**RULE 56 STATEMENT OF  
UNDISPUTED MATERIALS  
FACTS**

Civil Action No. 1:16-cv-09517

Pursuant to Local Civil Rule 56.1 of the Local Rules of the U.S. District Court for the Southern District of New York, Defendant the Estate of Elliot W. Gumaer, Jr. ("Estate") submits in support of its motion for summary judgment this statement of material facts as to which there is no genuine dispute.

The Estate relies on the Eber Defendants' and Eber Nominal Defendants' Statement of Undisputed Material Facts dated November 8, 2019 and incorporates it herein by reference.

The Estate respectfully submits that its reliance on the Eber Defendants' and Nominal Eber Defendants' Statement of Undisputed Material Facts satisfies the requirement set forth in Local Rule 56.1 with respect to the contents of that statement.

Dated: November 8, 2019  
Rochester, New York

CALIHAN LAW PLLC

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